

Beyond McCleary

State legislators tackling student achievement gap

By Alice Day
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OLYMPIA - Advocates for minority and low-income students are urging legislators to take a closer look at the state's McCleary obligation to ensure that all students are given equal and ample opportunity to achieve in school.

One bill would require state agencies to assess the potential negative impacts of education policies on minority and low-income students, and another would require the state to take measures to closing the education opportunity gap.

"A lot of the discussion focused around education and McCleary is just about the money and how do we satisfy our constitutional and moral obligations," said Sen. Pramila Jayapal (D-Seattle), a first-term state legislator and long-time civil rights activist.

"Not enough discussion is around targeting the areas of vulnerability that we have within the system," Jayapal said.

Jayapal is the prime sponsor of Senate Bill 5718, which aims to measure, identify, evaluate and communicate the impact of proposed education policies on education equity.

The bill would require a range of state agencies - from the Office of the Superintendent of Public Instruction to the state Board for Community and Technical Colleges - to contribute to an annual report on education equity.

"Equity is the idea that you are ensuring the opportunity for all people, with a particular focus on those that are most likely left behind," Jayapal said.

Revisiting education funding

In its 2012 McCleary decision, the state Supreme Court ruled that Washington was not providing enough money for basic education as required by the state constitution.

Before the ruling, legislators in the 2009-2011 biennium passed two laws that restructured the K-12 funding formula and added programs to the definition of basic education.

At a minimum, the state must fund basic education as defined by those statutes, without relying on local levies or federal money. The state must foot the total bill for materials, supplies and operating costs; public transportation for students; reductions in classroom sizes in kindergarten through third grades; all-day kindergarten, and staff salaries and benefits.

A new education funding formula was created to allocate a ratio of services to school districts, depending on student enrollment. But according to the legislators behind this education-equity effort, McCleary is not just about funding.

“The constitutional rights of students are that every child is entitled to an equitable education,” said House Education Committee Chair Rep. Sharon Tomiko Santos (D-Seattle).

“While some people may just want to focus on the money side, I’m focusing, along with the members of the Educational Opportunity Gap and Oversight Committee, on the constitutional meaning of McCleary,” she said.

Santos is the prime sponsor of House Bill 1541, which implements the strategies recommended by the committee to close the educational opportunity gap.

The bill would do several things, including:

- ...have the Office of Superintendent of Public Instruction collect from school districts the breakdown of student data by race and ethnicity;

- ...prohibit long-term suspension or expulsion of students as a form of discipline;

- ...increase educators’ cultural competency;

- ...require the development of a performance-based accountability system for funds and programs created as part of the state Transitional Bilingual Instructional Program, a support program for students whose first language is not English;

- ...and create a pathway for certification of para-educators who support special-education students, teachers and specialists in classrooms.

Diversity and discipline

In order for educators to provide individualized teaching strategies for students, students must be more clearly tracked by ethnicity and race, Santos noted.

Asian students as a whole are seemingly doing well in school, but because there is little data on students of specific ethnicities, it's difficult to tailor teaching strategies to ensure all students are succeeding in school, Santos stated.

House Bill 1541 would require school districts to gather more information on the racial and ethnic backgrounds of their students. The disaggregation of student race would extend beyond the federal reporting guidelines, which only separates ethnicity into six categories: white, African American/Black, Asian, American Indian/Alaska Native, Native Hawaiian or Pacific Islander and Hispanic.

The bill would also narrow school districts' ability to suspend students for misbehavior.

Rep. Lillian Ortiz-Self (D-Mukilteo), co-sponsor of the bill, said it's important to clarify in which cases misbehavior should be met with mandatory discipline, and which cases are more discretionary.

Ortiz-Self says many districts consider students' "failure to comply" as a discretionary discipline issue, and violations can range anywhere from failure to bring a pencil to class to cursing at the teacher.

"Our kids of color are being disciplined at least twice as much as the majority of white students, and for twice as long," Ortiz-Self said.

Cultural competency, certification and accountability

Teachers in Washington state are neither uniformly informed about students who are English Language Learners (ELL), or trained to meet their needs, Ortiz-Self cited.

"Our students with the biggest needs are sometimes taught by para-educators who are not even fully certified," she said. "We know that the kids with the biggest needs need the most qualified teachers, not the least qualified."

She maintains that all teachers need training in how to educate students whose native language is not English.

HB 1541 would create a route for para-educators to become certified instructors and provide cultural-competency training for all teachers.

In the 2013-14 school year, 102,281 students statewide were enrolled in the Transitional Bilingual Instructional Program, which is focused on students whose first language is not English and students who qualify for the services based on a language-proficiency exam.

Many students of color are enrolled in the Transitional Bilingual Instructional Program to help them develop English-language skills sufficient to meet the state's graduation criteria.

However, the program is implemented inconsistently across the state: from dual-language to total immersion to a pull-out approach in which students are taught in a separate classroom, Ortiz-Self stated. As a result, she concluded, there is no uniform measurement of the program's effectiveness.

This bill establishes an English Language Learners Accountability Task Force that would design a performance-based accountability system in order to address the inconsistencies, and evaluate best practices for the bilingual instruction program.

The Seattle Public School District has the largest number of ELL students. In May 2014, transitional bilingual students made up 11.6 percent of total district enrollment (6,001 students out of 51,918).

Targeted solutions for equal opportunity

Tony Lee, co-chair of the King County Asian Pacific Islander Coalition and senior fellow at an anti-poverty and social service organization called Solid Ground, said just putting money into the school system, whether it's through more state funding or local levies, won't fix the education opportunity gap.

"You talk to any educator of color, they don't believe that," Lee said. A substantial portion of McCleary funding must be targeted for programs and services that low-income and kids of color need, he stated.

"These programs are part of basic education if we are ever to fulfill the mandate that every kid needs to be given an opportunity to succeed regardless of race, ethnicity or income," Lee said.

HB 1541 was introduced in 2013, but failed to pass because of concerns over the cost of implementing all the recommendations of the committee, particularly those related to discipline.

However, Santos believes this year will be different. She maintains that if the legislature is serious about ensuring every student achieves academic success, then it must fully fund basic education and fully implement the recommendations of the educational opportunity gap committee.

"If what we're funding is the same broken policies and practices, that's not going to repair the education opportunity gap," Santos said.